

# UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America

v.

JAMES MARVIN CROWDER

Date of Previous Judgment: June 24, 2003

(Use Date of Last Amended Judgment if Applicable)

)

)

) Case No: 3:01CR223-01

) USM No: 17543-058

) Aaron E. Michel

) Defendant's Attorney

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 121 months **is reduced to** 120 months.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 33

Amended Offense Level: 31

Criminal History Category: II

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Previous Guideline Range: 151 to 188 months

Amended Guideline Range: 121 to 151 months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

The reduced sentence is within the amended guideline range.

The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

Other (explain): The previous term of imprisonment imposed represented 81% of the low-end of the applicable guideline range at the time of the original sentencing; however, further reductions are limited by the statutorily required minimum sentence of 120 months, per USSG §5G1.1(c)(2).

### III. ADDITIONAL COMMENTS

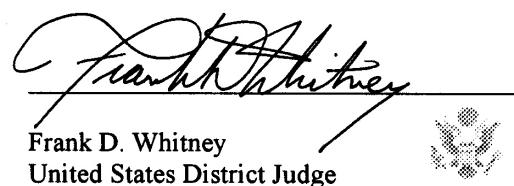
Upon release from imprisonment, and absent a residential plan accepted by the U.S. Probation Officer prior to release from incarceration, it is ordered that as a condition of supervised release the defendant shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation

Except as provided above, all provisions of the judgment dated June 24, 2003 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: January 21, 2009

Effective Date: \_\_\_\_\_  
(if different from order date)

  
Frank D. Whitney  
United States District Judge